

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF ALLEN       )

IN THE ALLEN CIRCUIT COURT  
  
CAUSE NO. 02CO1-0606-PL-70

STATE OF INDIANA,                               )  
  )  
                                  Plaintiff,        )  
  )  
                                  v.                        )  
  )  
DANIEL H. TURKETTE, and                        )  
THE GREAT AMERICAN                            )  
SPICE COMPANY, INC.,                            )  
  )  
                                  Defendants.         )

**DEFAULT JUDGMENT**

The Plaintiff, State of Indiana, having filed its Motion for Default Judgment and the Court having read the same and being duly advised in the premises, now finds:

1. The Court has subject matter jurisdiction and personal jurisdiction over the Defendants, Daniel H. Turkette and The Great American Spice Company, Inc.
2. The Defendants were served with notice of these proceedings and a copy of the Plaintiff's Complaint for Injunction, Restitution, Costs, and Civil Penalties.
3. The Defendants have failed to appear, plead, or otherwise respond to the complaint.
4. The Defendant, Daniel H. Turkette, is not an infant, incompetent, or in military service.

**THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED** that the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendants, Daniel H. Turkette and The Great American Spice Company, Inc.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that pursuant to Indiana Code § 24-5-0.5-4(c)(1), the Defendants, Daniel H. Turkette and The Great American Spice Company, Inc., their agents, representatives, employees, successors and assigns are permanently enjoined from engaging in the following:

- a. Representing, expressly or by implication, the subject of a consumer transaction has sponsorship, approval, characteristics, accessories, uses, or benefits it does not have, which the Defendants know or reasonably should know it does not have;
- b. representing, expressly or by implication, the Defendants are able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when the Defendants know or reasonably should know they cannot; and
- c. representing, expressly or by implication, the consumer will be able to purchase the subject of a consumer transaction as advertised by the Defendants, if the Defendants do not intend to sell it.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that judgment is entered for the Plaintiff, State of Indiana, and against the Defendants, Daniel H. Turkette and The Great American Spice Company, Inc., as follows:

a. The contracts previously entered into by the Defendants with consumers, Geary Norris, Ken Stringer, Muriel Castain, Thomas L. Brown, Karen Braymen, Alan Kearney, Cindy M. Giles, Rachel Traub, Molly Markley, Phillip King, S. Scott Clackum and James Bernath, are cancelled pursuant to Ind. Code § 24-5-0.5-4(d);

b. The Defendants shall pay consumer restitution, pursuant to Ind. Code § 24-5-0.5-4(c)(2), in the total amount of Eight Hundred Seventy Dollars and Twenty-Three Cents (\$870.23), payable to the Office of the Attorney General, for allocation and pro rata distribution to the following consumers up to the following amounts:

1.	Geary Norris of Slater, Missouri	\$ 51.31;
2.	Ken Stringer of Fenton, Missouri	\$ 38.61;
3.	Muriel Castain of North Babylon, New York	\$ 25.00;
4.	Thomas L. Brown of Rodersdorf, Switzerland	\$117.60;
5.	Karen Braymen Ames, Iowa	\$ 35.00;
6.	Alan Kearney of Jupiter, Florida	\$ 20.74;
7.	Cindy M. Giles of Newport, Tennessee	\$ 71.32;
8.	Rachel Traub of Somerville, Massachusetts	\$129.36;
9.	Molly Markley of Hamilton, Ohio	\$ 85.90;
10.	Phillip King of Des Plaines, Illinois	\$129.36;
11.	S. Scott Clackum of Charlotte, North Carolina	\$148.50; and
12.	James Bernath of Englewood, Colorado	<u>\$ 17.53.</u>
<b>TOTAL</b>		<b>\$870.23</b>

c. The Defendants shall pay the Office of the Attorney General its costs in investigating and prosecuting this action, pursuant to Ind. Code § 24-5-0.5-4(c)(3), in the Six Hundred and Thirty Dollars (\$630.00).

- d. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) for the Defendants' knowing violations of the Deceptive Consumer Sales Act, in the amount of Twenty-Four Thousand Dollars (\$24,000.00), payable to the State of Indiana.
- e. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-8 for the Defendants' intentional violations of the Deceptive Consumer Sales Act, in the amount of Six Thousand Dollars (\$6,000.00), payable to the State of Indiana.

**A total monetary judgment in the amount of Thirty-One Thousand Five Hundred Dollars and Twenty-Three Cents (\$31,500.23) shall therefore be entered in favor of the Plaintiff, State of Indiana, and against the Defendants, Daniel H. Turkette and The Great American Spice Company, Inc.**

**ALL ORDERED, ADJUDGED AND DECREED** on this \_\_\_\_\_ day of  
**AUG 09 2006**, 2006.

  
\_\_\_\_\_  
Judge, Allen Circuit Court

**DISTRIBUTION:**

Terry Tolliver  
Office of the Attorney General  
302 W. Washington Street, 5th Floor  
Indianapolis, IN 46204

Daniel H. Turkette  
628 Leesburg Road  
Fort Wayne, IN 46808

The Great American Spice Company, Inc.  
c/o Daniel H. Turkette, President  
628 Leesburg Road  
Fort Wayne, IN 46808

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